

**Notice of Allowability**

Application No.

10/663,608

Applicant(s)

SISTO ET AL.

Examiner

Art Unit

Robert W. Wilson

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/17/07.
2. ☒ The allowed claim(s) is/are 1, 3-15, 17-29, & 31-42 (Re#1-39).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 11/29/07
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Robert W. Wilson*  
Robert W. Wilson  
Examiner  
Art Unit: 2619

12/5/07

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Shun Yao on 11/29/07.

Referring to line 18 of claim 5, delete "similar to operations"

Referring to line 8 of claim 14, deleted "locked up/hung" and replace with "locked up or hung state"

Referring to line 18 of claim 19, delete "similar to operations"

Referring to claim 23 lines 1 to 7 delete "23 (original) The apparatus of claim 15, wherein each remote node includes a number of queues, each of which is associated with a logical entity and stores upstream data from the device or user associated with that logical entity 24. The apparatus of claim 23, wherein the request from a remote node reports the state of a queue within that remote node associated with a logical entity; and wherein the request piggybacks on an upstream data transmission.

Replace with

"23. (original) The apparatus of claim 15, wherein each remote node includes a number of queues, each of which is associated with a logical entity and stores upstream data from the device or user associated with that logical entity

24. (original) The apparatus of claim 23, wherein the request from a remote node reports the state of a queue within that remote node associated with a logical entity; and wherein the request piggybacks on an upstream data transmission."

Referring to line 10 of claim 28, deleted "locked up/hung" and replace with "locked up or hung state"

Referring to line 19 of claim 33, delete "similar to operations"

Referring to line 9 of claim 42, deleted "locked up/hung" and replace with "locked up or hung state"

***Allowable Subject Matter***

2. Claims 1, 3-15, 17-29, & 31-42 are allowed. The following is an Examiner's statement of reasons for allowance. Claims 1, 3-15, 17-29, & 31-42 are considered allowable since when reading the claims in light of the specification, no prior art references alone or in combination disclose or suggest the combination of limitations specified in the independent claims in the following italic limitations including:

*wherein the transmission threshold assigned to a logical entity within a priority level is determined by considering: the maximum allowable delay for that priority level; data speed of the shared out-going uplink; the logical entity's service level agreement; and the total number of logical entities within that priority level, in combination with other limitations as recited in claims 1, 15, & 29.*

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075.

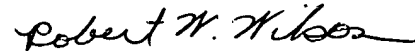
The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571/272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Robert W Wilson  
Examiner  
Art Unit 2619

RWW  
12/5/07